

E-filed 1/31/07

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

COUNTY OF SANTA CRUZ, et al., }
Plaintiffs, }
v.
ALBERTO GONZALES, Attorney General
of the United States; KAREN P. TANDY,
Administrator of the Drug Enforcement
Administration; JOHN P. WALTERS,
Director of the Office of National Drug
Control Policy; and 30 UNKNOWN
DRUG ENFORCEMENT
ADMINISTRATION AGENTS, }
Defendants. }

Nos. C 03-1802 JF MC 02-7012 JF **CONSOLIDATED**

**STIPULATION AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

No Hearing requested.

Plaintiffs and Defendants through their counsel of record stipulate to reschedule the Case Management Conference set for February 2, 2007 until after the disposition of Defendants' motion to dismiss Plaintiffs' First, Second, Third, Fourth and Sixth Causes of Action.

1. On June 23, 2006 this court heard oral argument on Defendants' motion to dismiss the Fifth Cause of Action in Plaintiffs' First Amended Complaint as well as Defendants' motion to dismiss the First, Second, Third, Fourth and Sixth Causes of Action in Plaintiffs' First Amended Complaint. During the hearing, the Court indicated that it was inclined to withhold a ruling on Defendants' motion to dismiss Plaintiffs' First, Second, Third, Fourth, and Sixth Causes of Action.

1 pending a ruling by the United States Court of Appeals for the Ninth Circuit in Raich v. Gonzales,
2 No. 03-15481, which was argued on March 27, 2006.

3 2. On July 18, 2006, this court granted in part and denied in part Defendants' motion
4 to dismiss Plaintiffs' Fifth Cause of Action.

5 3. The parties are currently awaiting disposition of Defendants' motion to dismiss the
6 First, Second, Third, Fourth and Sixth Causes of Action. The Parties request that the Case
7 Management Conference currently scheduled for February 2, 2007 be continued until after the Court
8 has issued its order with respect to Plaintiffs' remaining claims.

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10 Respectfully submitted:

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12 The Plaintiffs,

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14 /s/ Frank Kennamer
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16 The Official-Capacity Defendants,

17
18 /s/ Mark T. Quinlivan
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19 Dated: January 30, 2007

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED

22 1/31/07

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JEREMY FOGEL
UNITED STATES DISTRICT JUDGE